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November 6, 2006

Mark D. Stern, Esq.
Mark D. Stern, P.C.
34 Liberty Avenue
Somerville, MA 02144

Andrew M. Fischer, Esq.
Jason and Fischer
47 Winter Street, 4th Floor
Boston, MA 02108

RE: Kenneth and Pamela Price Jean v. City of Ashburnham Police Department, et. al.
Civil Action No.: 03-12306-FDS

Dear Messrs. Stern and Fischer:

In response to your request for a discovery conference, I have reviewed the recent testimony of both plaintiffs as well as the prior testimony of the officers with respect to Officer Whittaker. At the outset, I note that from the very first deposition, that of Officer Anair, Mr. Stern questioned the defendants regarding their knowledge of the departure of Officer Whittaker from the force. I noted on more than one occasion that I did not recall having seen Officer Whittaker identified in automatic disclosure and, in fact, questioned Mr. Stern as to the relevance of questioning regarding Officer Whittaker. I was advised by one, if not both of you, that you believed that there may be some connection between Mr. Jean and Officer Whittaker. Clearly then, you have had a theory relating to the relationship between the plaintiffs and Officer Whittaker since the inception of this litigation. As such, I have no knowledge as to what "most recent disclosure" to which you are referring in yours of October 25 and I would appreciate it if you would clarify the same. I have also reviewed the recent deposition testimony of both Mr. and Mrs. Jean and found nothing therein which supports your position. In fact, to the contrary, Mr. Jean testified that he did not believe that his interaction with Officer Whittaker was in any way related to the present cases.

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If you would like to provide me with written documentation as to your position, I would be more than happy to reconsider my position.

Sincerely,



Nancy Frankel Pelletier

NFP:rjr

cc: Maureen MacDonald

John J. Cloherty, III, Esq.

Andrew J. Gambaccini, Esq.

Regina M. Ryan, Esq. 9129/40158